



IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 09/664,500
Filing Date: September 18, 2000
Applicant: John W. Bates et al.
Group Art Unit: 2665
Examiner: Roberta A. Stevens
Title: METHOD AND SYSTEM OF ALLOCATING STORAGE
RESOURCES IN A STORAGE AREA NETWORK
Attorney Docket: 100201725-1

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop Issue Fee

**COMMENTS ON THE EXAMINER'S
STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

Beginning on page 2 of the Notice of Allowability, the Examiner presents a Statement of Reasons for Allowance. Applicants do not disagree that the indicated claims are allowable. Instead, Applicants wish to note the following.

The Reasons apply to all of the claims, i.e., to independent claims 1, 8 and 13, and claims 2, 4-7, 10-12 and 15-17 thereon, respectively. But the actual wording of the Reasons paraphrases only the language with which elements of claims are recited. While independent claims 8 and 13 similarly are patentable, they are not identical to claim 1, e.g., claim 1 recites a network while claim 8 recites a method, etc. Applicants presume that it was not the Examiner's intention to suggest that claims 1, 8 and 13 are the same. Further, Applicants submit that any attempt to characterize the Examiner's wording as suggesting such sameness among claims 1, 8 and 13 would be unreasonable. It is to be recalled that patentability considers each claim as a whole, and each of claims 1-2, 4-8, 10-13 and 15-17 separately.

Applicants understand that the Examiner's paraphrasing has been done as an expedient for the purposes of calling to mind the explicit language of corresponding features some or all of which may be present in the other claims, respectively, with the understanding that a given claim is to be viewed as a whole on the merits of what the given claim recites. It is Applicants' further understanding that the Examiner's paraphrasing is not an attempt to characterize the meaning of, or interpret, the claims.

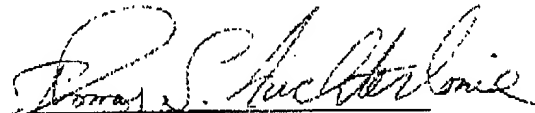
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Thomas S. Auchterlonic, Reg. No. 37,275 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

John W. Bates et al.

By:


Thomas S. Auchterlonic
Reg. No. 37,275

JARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

TSA/krf